

VIRGINIA SOIL AND WATER CONSERVATION BOARD
4VAC50-60, Stormwater Management Regulations (Proposed)

Amendments to statewide permit fee schedule (Part XIII)

Part XIII
Fees

4VAC50-60-700. Purpose.

Sections 10.1-603.4 and 10.1-603.5 of the Code of Virginia authorize the establishment of a statewide fee schedule for stormwater management for land disturbing activities and for municipal separate storm sewer systems and state agency projects. These regulations in this Part establish ~~establishes~~ the fee assessment and ~~the collection system and distribution systems for those fees. The fees associated with individual permits or coverage under the General Permit for Discharges of Stormwater From Construction Activities (permits for stormwater management for land disturbing activities) issued by a qualifying local program or a department administered local stormwater management program, that has been approved by the board, shall include costs associated with plan review, permit review and issuance, inspections, enforcement, program administration and oversight, and database management. Fees shall also be established for permit maintenance, modification, and transfer.~~

Should a qualifying local program demonstrate to the board its ability to fully and successfully implement a qualifying local program without a full implementation of the fees set out in this Part, the board may authorize the administrative establishment of a lower fee for that program provided that such reduction shall not reduce the amount of fees due to the department for its program oversight and shall not affect the fee schedules set forth herein.

As part of its program oversight, the department shall periodically assess the revenue generated by both the localities and the department to ensure that the fees have been appropriately set and the fees may be adjusted through periodic regulatory actions should significant deviations become apparent. The department may make such periodic adjustments in addition to the annual fee increases authorized by 4VAC50-60-840.

4VAC50-60-710. Definitions. (Repealed.)

~~The following words and terms used in this chapter have the following meanings:~~

~~"Permit applicant" means for the purposes of this part any person submitting a permit application for issuance, reissuance, or modification, except as exempted by 4VAC50-60-740, of a permit or filing a registration statement or permit application for coverage under a general permit issued pursuant to the Act and this chapter.~~

~~"Permit application" means for the purposes of this part the forms approved by the Virginia Soil and Water Conservation Board for applying for issuance or reissuance of a permit or for filing a registration statement or application for coverage under a general permit issued in response to the Act and this chapter. In the case of modifications to an existing permit requested by the permit holder and not exempted by 4VAC50-60-740, the application shall consist of the formal written request and any accompanying documentation submitted by the permit holder to initiate the modification.~~

4VAC50-60-720. Authority.

~~The authority for this part is pursuant to §§10.1-604.4~~ §§10.1-603.4 and 10.1-603.4:1 of the Code of Virginia and enactment clause 7 governing the transfer of the relevant provisions of Fees for Permits and Certificates Regulations, 9VAC25-20, in accordance with Chapter 372 of the 2004 Virginia Acts of Assembly.

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4VAC50-60-730. Applicability.

A. This part applies to:

1. ~~All permit applicants for issuance of persons seeking coverage of a MS4 under a new permit or reissuance of an existing permit, except as specifically exempt under 4VAC50-60-740 A.~~ The fee due shall be as specified under 4VAC50-60-800 ~~or 4VAC50-60-820.~~

2. All ~~permittees~~ operators who request that an existing MS4 individual permit be modified, except as specifically exempt under 4VAC50-60-740 A-4 of this chapter. The fee due shall be as specified under 4VAC50-60-810.

3. All persons seeking coverage under the General Permit for Discharges of Stormwater From Construction Activities or a person seeking an Individual Permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-820.

4. All permittees who request modifications to or transfers of their existing registration statement for coverage under a General Permit for Discharges of Stormwater From Construction Activities or of an Individual Permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-825 in addition to any additional fees necessary pursuant to 4VAC50-60-820 due to an increase in acreage.

B. ~~An applicant for a permit involving a permit that is to be revoked and reissued~~ Persons who are applicants for an individual VSMP Municipal Separate Stormwater Sewer System permit as a result of existing permit revocation shall be considered an applicant for a new permit. The fee due shall be as specified under 4VAC50-60-800.

Persons whose coverage under the General Permit for Discharges of Stormwater From Construction Activities has been revoked shall reapply for an Individual Permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-820.

C. Permit and permit coverage maintenance fees may apply to each Virginia Stormwater Management Permit (VSMP) permit holder. The fee due shall be as specified under 4VAC50-60-830.

4VAC50-60-740. Exemptions.

A. No permit application fees will be assessed to:

1. Permittees who request minor modifications ~~or minor amendments~~ to permits as defined in 4VAC50-60-10 or other minor amendments at the discretion of the local stormwater management program.

2. Permittees whose permits are modified or amended at the initiative of the permit-issuing authority. This does not include errors in the registration statement identified by the local stormwater management program or errors related to the acreage of the site.

B. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the local stormwater management program shall not be exempt pursuant to this section and shall be subject to fees specified under 4VAC50-60-825.

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4VAC50-60-750. Due dates for Virginia Stormwater Management Program (VSMP) Permits.

A. ~~Permit application fees for all new permit applications are due on the day a permit application is submitted and shall be~~ Requests for a permit, permit modification, or general permit coverage shall not be processed until the fees required pursuant to this part are paid in accordance with 4VAC50-60-760. Applications will not be processed without payment of the required fee.

B. ~~A permit application fee is due on the day a permit application is submitted for a major modification that occurs (and becomes effective) before the stated permit expiration date. There is no application fee for a major modification or amendment that is made at the permit-issuing authority's initiative.~~

C. ~~Permit B. Individual permit or general permit coverage~~ maintenance fees shall be paid annually to the permit-issuing authority by October 1 of each year department or the qualifying local program, as applicable, by the anniversary date of individual permit issuance or general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. Individual permit or general permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

MS4 individual operators who currently pay a permit maintenance fee that is due by October 1 of each year shall continue to pay the maintenance fee by October 1 until their current permit expires. Upon reissuance of the MS4 individual permit, maintenance fees shall be paid on the anniversary date of the reissued permit.

~~Effective April 1, 2005, any permit holder whose permit is effective as of April 1 of a given year (including permits that have been administratively continued) shall pay the permit maintenance fee or fees to the permit-issuing authority by October 1 of that same year.~~

4VAC50-60-760. Method of payment.

A. Fees, as applicable, shall be, at the discretion of the department, submitted electronically or be paid by check, draft or postal money order payable to:

the 1. The Treasurer of Virginia, for a MS4 individual or general permit or for a coverage issued by the department under the General Permit for Discharges of Stormwater From Construction Activities or Individual Permit for Discharges of Stormwater From Construction Activities, to the permit-issuing authority, and must be in U.S. currency, except that agencies and institutions of the Commonwealth of Virginia may submit Interagency Transfers for the amount of the fee. To pay electronically, go to the Department of Conservation and Recreation's stormwater management section of the Department's public website at <http://www.dcr.virginia.gov>. The Department of Conservation and Recreation may provide a means to pay fees electronically. Fees not submitted electronically shall be sent to the following address: Virginia Department of Conservation and Recreation, Division of Finance, Accounts Payable, 203 Governor Street, Richmond, VA 23219.

Virginia Department of Conservation and Recreation
Division of Finance, Accounts Payable
203 Governor Street
Richmond, VA 23219

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132 2. The qualifying local program, for coverage authorized by the qualifying local
133 program under the General Permit for Discharges of Stormwater From
134 Construction Activities, and must be in U.S. Currency.

135 B. Required information for permits or permit coverage: All applicants, unless
136 otherwise specified by the department, for new permit issuance, permit reissuance, or
137 permit modification shall submit the following information along with the fee payment or
138 utilize the Department of Conservation and Recreation Permit Application Fee Form:

- 139 1. Applicant name, address and daytime phone number.
140 2. Applicant Federal Identification Number (FIN), if applicable.
141 3. The name of the facility/activity, and the facility/activity location.
142 4. The type of permit applied for.
143 5. Whether the application is for a new permit issuance, permit reissuance,
144 permit maintenance, or permit modification.
145 6. The amount of fee submitted.
146 7. The existing permit number, if applicable.
147 8. Other information as required by the local stormwater management program.

148 **4VAC50-60-770. Incomplete payments and late payments.**

149 All incomplete payments will be deemed as nonpayments. The department or the
150 qualifying local program, as applicable, shall provide notification to the applicant of any
151 incomplete payments.

152 Interest may be charged for late payments at the underpayment rate set out by the
153 U.S. Internal Revenue Service established pursuant to §6621(a)(2) of the Internal
154 Revenue Code. This rate is ~~prescribed~~ set forth in §58.1-15 of the Code of Virginia and
155 is calculated on a monthly basis at the applicable periodic rate.

156 A 10% late payment fee ~~may~~ shall be charged to any delinquent (over 90 days past
157 due) account.

158 ~~The permit-issuing authority is the department and the qualifying local program are~~
159 ~~entitled to all remedies available under the Code of Virginia in collecting any past due~~
160 ~~amount and may recover any attorney's fees and/or other administrative costs incurred~~
161 ~~in pursuing and collecting any past due amount.~~

162 **4VAC50-60-780. Deposit and use of fees.**

163 A. All fees collected by the ~~board~~ department or department board ~~in response~~
164 pursuant to this chapter shall be deposited into ~~a special nonreverting fund known as the~~
165 Virginia Stormwater Management Fund established by, and shall be used and
166 accounted for as specified in §10.1-603.4:1 of the Code of Virginia. Fees collected by
167 the department or board shall be exempt from statewide indirect costs charged and
168 collected by the Department of Accounts.

169 B. All fees collected by a qualifying local program pursuant to this chapter shall be
170 subject to accounting review and shall be used solely to carry out the qualifying local
171 program's responsibilities pursuant to Part II and Part IIIA of these regulations.

172 Pursuant to §10.1-603.4 subdivision 5 a of the Code of Virginia, ~~Whenever~~ whenever
173 the board has ~~delegated~~ authorized the administration of a stormwater management
174 program ~~to by a locality~~ qualifying local program ~~or is required to do so by the Act, no~~
175 ~~more than 30%~~ 28% of the total revenue generated by the statewide stormwater
176 management fees collected within the locality in accordance with 4VAC50-60-820 shall

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be remitted on a monthly basis to the State Treasurer for deposit in the Virginia Stormwater Management Fund unless otherwise collected electronically. If the qualifying local program waives or reduces any fee due in accordance with 4VAC50-60-820, the qualifying local program shall remit the 28% portion that would be due to the Virginia Stormwater Management Fund if such fee were charged in full.

4VAC50-60-790. General.

~~Each permit application for a new permit each permit application for reissuance of a permit, each permit application for major modification of a permit, and each revocation and reissuance of a permit is a~~ The fees for individual permits, general permit coverage, permit or registration statement modification, or permit transfers are considered separate ~~action~~ actions and shall be assessed a separate fee, as applicable. ~~The fees for each type of permit that the permit-issuing authority has the authority to issue, reissue or modify will be as specified in this part.~~

4VAC50-60-800. Fee schedules for VSMP Municipal Separate Storm Sewer System new permit issuance.

The following fee schedule applies to permit applications for issuance of a new individual VSMP Municipal Separate Storm Sewer System permit or coverage under a MS4 General Permit. All regulated MS4s that apply for joint coverage under an individual permit or general permit registration shall each pay the appropriate fees set out below.

VSMP Municipal Stormwater / MS4 Individual (Large and Medium)	\$21,300 <u>\$16,000</u>
VSMP Municipal Stormwater / MS4 Individual (Small)	\$2,000 <u>\$8,000</u>
VSMP Municipal Stormwater / MS4 General Permit (Small)	\$600 <u>\$4,000</u>

4VAC50-60-810. Fee schedules for major modification of MS4 individual permits ~~or certificates requested by the permittee operator~~.

The following fee ~~schedules~~ schedule ~~apply~~ applies to applications for major modification of an individual MS4 permit requested by the permittee:

~~The permit application fees listed in the table below apply to a major modification of a VSMP Municipal Separate Storm Sewer Systems Permit that occurs (and becomes effective) before the stated permit expiration date.~~

VSMP Municipal Stormwater / MS4 Individual (Large and Medium)	\$10,650 <u>\$5,000</u>
VSMP Municipal Stormwater / MS4 Individual (Small)	\$1,000 <u>\$2,500</u>

4VAC50-60-820. Fees for filing ~~permit applications (registration statements) for general permits issued by the permit-issuing authority~~ an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.

The following fees apply to filing ~~of permit applications (registration statements) for all general permits issued by the permit-issuing authority, except VSMP Stormwater Construction General Permits~~ coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the department prior to a qualifying local program or a department administered local stormwater management program being approved by the board in the area where the applicable land disturbing activity is located, or where the department has issued an individual permit or coverage under the

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214 General Permit for Discharges of Stormwater from Construction Activities for a state
215 agency for which it has approved annual standards and specifications.

216 The fee for filing a permit application (registration statement) for coverage under a
217 VSMP stormwater general permit issued by the permit-issuing authority shall be:

VSMP General / Stormwater Management - Phase I Land Clearing ("Large" Construction Activity - Sites or common plans of development equal to or greater than 5 acres)	\$500
VSMP General / Stormwater Management - Phase II Land Clearing ("Small" Construction Activity - Sites or common plans of development equal to or greater than 1 acre and less than 5 Acres)	\$300
<u>VSMP General/Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)</u>	<u>\$200</u>

218 The following fees apply to coverage under the General Permit for Discharges of
219 Stormwater from Construction Activities for a state agency which does not file annual
220 standards and specifications, an individual permit issued by the board or coverage under
221 the General Permit for Discharges of Stormwater from Construction Activities issued by
222 a qualifying local program or a department administered local stormwater management
223 program that has been approved by the board. For coverage under the General Permit
224 for Discharges of Stormwater from Construction Activities, 50% of the fee shall be due at
225 the time that a stormwater management plan or an initial stormwater management plan
226 is submitted for review in accordance with 4VAC50-60-108. The remaining 50% shall be
227 due prior to the issuance of coverage under the General Permit for Discharges of
228 Stormwater from Construction Activities.

229 When a site or sites are purchased for development within a previously permitted
230 common plan of development or sale, the applicant shall be subject to fees in
231 accordance with the disturbed acreage of their site or sites according to the following
232 table.

<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than 0.5 acre)</u>	<u>\$290</u>
<u>VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u>	<u>\$290</u>
<u>VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 0.5 acre and less than 1 acre)</u>	<u>\$1,500</u>
<u>VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within</u>	<u>\$2,700</u>

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<u>common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)</u>	
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u>	<u>\$3,400</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]</u>	<u>\$4,500</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u>	<u>\$6,100</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u>	<u>\$9,600</u>
<u>VSMP Individual Permit for Discharges of Stormwater From Construction Activities</u>	<u>\$15,000</u>

4VAC50-60-825. Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.

The following fees apply to modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities issued by a qualifying local program or a department administered local stormwater management program, that has been approved by the board. If the permit modifications result in changes to stormwater management plans that require additional review by the local stormwater management program, such reviews shall be subject to the fees set out in this section. The fee assessed shall be based on the total disturbed acreage of the site. No modification or transfer fee shall be required until such board approved programs exist. No modification fee shall be required for the General Permit for Discharges of Stormwater from Construction Activities for a state agency which is administering a project in accordance with approved annual standards and specifications but shall apply to all other state agency projects.

<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than 0.5 acre)</u>	<u>\$20</u>
<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of</u>	<u>\$20</u>

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<u>development or sale with land disturbance acreage less than 1 acre)</u>	
<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 0.5 acre and less than 1.0 acre)</u>	<u>\$100</u>
<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</u>	<u>\$200</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u>	<u>\$250</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u>	<u>\$300</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u>	<u>\$450</u>
<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u>	<u>\$700</u>
<u>VSMP Individual Permit for Discharges of Stormwater From Construction Activities</u>	<u>\$5,000</u>

4VAC50-60-830. Permit maintenance fees.

A. The following annual permit maintenance fees apply to each VSMP permit identified below, including expired permits that have been administratively continued: With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the permit coverage is terminated, and shall only be effective when assessed by a qualifying local program or a department administered local stormwater management program that has been approved by the board. No maintenance fee shall be required for a General Permit for Discharges of Stormwater from Construction Activities until such board approved programs exist. No maintenance fee shall be required for the General Permit for Discharges of Stormwater from Construction Activities for a state agency which is administering a project in accordance with approved annual standards and specifications but shall apply to all other state agency projects. All regulated MS4s who are issued joint coverage under an individual permit or general permit registration shall each pay the appropriate fees set out below:

VSMP Municipal Stormwater / MS4 Individual (Large and Medium)	\$3,800 <u>\$8,800</u>
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	VSMP Municipal Stormwater / MS4 Individual (Small)	\$400 <u>\$6,000</u>
	<u>VSMP Municipal Stormwater/MS4 General Permit (Small)</u>	<u>\$4,000</u>
	VSMP General / Stormwater Management – Phase I Land Clearing ("Large" Construction Activity – Sites or common plans of development equal to or greater than 5 acres)	\$0
	VSMP General / Stormwater Management – Phase II Land Clearing ("Small" Construction Activity – Sites or common plans of development equal to or greater than 1 acre and less than 5 Acres)	\$0
	<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than 0.5 acre)</u>	<u>\$50</u>
	<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u>	<u>\$50</u>
	<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 0.5 acre and less than 1 acre)</u>	<u>\$200</u>
	<u>VSMP General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)</u>	<u>\$400</u>
	<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u>	<u>\$500</u>
	<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u>	<u>\$650</u>
	<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres)</u>	<u>\$900</u>

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	<u>and less than 100 acres)</u>	
	<u>VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)</u>	<u>\$1,400</u>
	<u>VSMP Individual Permit for Discharges From Construction Activities</u>	<u>\$3,000</u>

B. ~~An additional permit maintenance fee of \$1,000 shall be paid annually by permittees in a toxics management program. Any facility that performs acute or chronic biological testing for compliance with a limit or special condition requiring monitoring in a VPDES permit is included in the toxics management program.~~

4VAC50-60-840. ~~Reserved~~ Annual increase in fees.

The fees set out in sections 4VAC50-60-800 through 4VAC50-60-830 shall be increased each July 1st by multiplying the fee by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending May 31 of the preceding year exceeds the CPI-U for the 12-month period ending May 31, 2007, and the result shall be rounded to the nearest \$1 increment. The fee schedule shall be posted to the department's website and distributed to each qualified local program in advance of each fiscal year. Notwithstanding the foregoing, in no event shall the permit fee be decreased and in no event shall any increase exceed 4% per annum, without formal action by the board.

FORMS

Application Form 1-General Information, Consolidated Permits Program, EPA Form 3510-1 (August 1990) (DCR 199-149).

Department of Conservation and Recreation Permit Application Fee Form, (DCR 199-145) ~~(09/04)~~ (09/08).

VSMP General Permit Registration Statement for Construction Activity Stormwater Discharges, (DCR01), (DCR 199-146) (09/04).

VSMP General Permit Notice of Termination for Construction Activity Stormwater Discharges, (DCR01), (DCR 199-147) (09/04).

VSMP General Permit Registration Statement for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems (VAR04), (DCR 199-148) (07/08)